

REMARKS

The Office Action of January 11, 2006, has been carefully considered.

It is noted that the drawings are objected to under 37 C.F.R. 1.83(a).

Claim 2 is rejected under 35 U.S.C. 112, second paragraph.

Claim 15 is rejected under 35 U.S.C. 112, first paragraph.

Claims 1-7, 9-12 and 15 are rejected under 35 U.S.C. 102(b) over the patent to Izraeli.

Claim 13 is rejected under 35 U.S.C. 103(a) over Izraeli.

Finally, it is noted that claims 8 and 14 would be allowable if rewritten in independent form.

In connection with the Examiner's objection to the drawings, applicant has enclosed herewith a new sheet of drawings containing Figs. 4 and 5. Fig. 4 illustrates features of claim 15 and Fig. 5 illustrates features of claim 12. Applicant has also amended the specification to refer to these new figures. It is respectfully submitted that no new matter is added by these changes. The subject matter contained in new figures 4 and 5 was present in the originally filed disclosure. Relative to claim 3, applicant has amended claim 3 and with this amendment it is now believed that all of the features recited in the claim are shown in the drawings.

In view of these considerations it is respectfully submitted that the objection to the drawings under 37 C.F.R. 1.83(a) is overcome and should be withdrawn.

In view of the Examiner's rejections of the claims applicant has amended claims 2 and 3, as well as the specification.

It is respectfully submitted that claim 2 now on file particularly points out and distinctly claims the subject matter which applicant regards as the invention. Applicant has amended the claim to address the instances of indefiniteness cited by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claim 2 under 35 U.S.C. 112, second paragraph, is overcome and should be withdrawn.

Regarding claim 15, applicant has amended the specification to include a brief description of the features recited in this claim. This description is provided in connection with new Fig. 4. Essentially, Fig. 4 is a perspective view of originally submitted Fig. 2. With these changes it is respectfully submitted that the subject matter of claim 15 is described in the specification in such a way as to enable one skilled in the art to which pertains, or with which it is most nearly connected, to make and/or use the invention.

In view of these considerations it is respectfully submitted that the rejection of claim 15 under 35 U.S.C. 112, first paragraph, is overcome and should be withdrawn.

It is respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the reference.

Turning now to the reference, it can be seen that Israeli discloses a quick release grounding clamp. The Israeli clamp is basically a hand held tool for grounding vehicles which are being fueled (see column 4, line 64 through column 5, line 9 of Israeli). Other features of the clamp include a remote release by a tug on the grounding conductive cable or by a quick release if vehicle is accidentally moved before disconnecting the clamp. This wording shows the specific use of the clamp. Such a teaching leads away from the presently claimed invention which is drawn to a short circuiting device for a conductor rail.

In Israeli, the conductive cable 138 is proposed for grounding. The other end of the cable for grounding is not shown and it is not obvious how the other end of the cable could be attached, for example, to a rail. Furthermore, the clamp has a rapid release feature when forces are applied that exceed a predetermined amount (see column 2, lines 50-55). Such a rapid release would be detrimental for grounding a conductor rail. For safety reasons a short-circuit device for railways should only be released and removed deliberately. If the device could be removed by an easy movement the workers would be in constant danger of getting an electrical shock by unintentional release of the clamp. The clamp of Israeli is intended to ground static electricity during fueling only. Once the fueling is finished it could happen that the clamp is forgotten. To avoid damage to the car or truck and the clamp itself, a rapid release is part of the clamp itself. Because fueling is finished at that time there is no further danger to the people present.

In Israeli, the cable 138 is bendable and of any desired length. In the presently claimed invention the length of the contact arm 2 is exactly the width between the conductor rail and the track rail. Furthermore, the handle 104 of Israeli is not an arm. The handle 104 is not in contact with the grounding. Thus, the handle is not a power transfer element. The grounding cable 138 is responsible for power transfer. In the present invention the contact arm 2 is not a handle but instead is the housing for the contact element 3 and the power transfer element 6. All these parts together have the function of the cable 138. Additionally, the cable 138 is not a hollow metal profile nor does the cable house a movable contact element, as in the presently claimed invention.

Nothing in Israeli suggests replacing the cable 138 with the contact arm of the present invention. If the cable 138 were replaced by an extruded aluminum part, for example a hollow metal profiled section, the basic function of the cable 138, i.e. stretching a bent section by a tug, becomes non-working. An extruded aluminum profile is a stiff non-bendable item which cannot be bent and stretched to have the function of the cable 138. Thus, it is respectfully submitted that Israeli does not disclose or teach the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejections of the claims

under 35 U.S.C. 102(b) and 103(a) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 06-2143.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450:

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April 11, 2006

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